

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

2005 NO 12 AM 9:06

LESTER L. Salvatore
SO. DIST. OF GA.

MELVIN ANDERSON, :

Plaintiff, :

vs. :

CIVIL ACTION NO.: CV204-139

HARLEY G. LAPPIN; KATHLEEN
HAWK-SAWYER; HARRELL
WATTS and THE FEDERAL BUREAU
OF PRISONS, :

Defendants. :

ORDER

The undersigned permitted service of Plaintiff's Complaint in the case *sub judice* on Defendants Lappin, Hawk-Sawyer, and Watts by Order dated November 30, 2004. (Doc. No. 12.) On March 28, 2005, the United States Attorney's Office filed a Motion to Dismiss, or in the alternative, for Summary Judgment on behalf of Defendants Lappin, Hawk-Sawyer, and Watts. (Doc. No. 26.) Plaintiff filed a Response to the Defendants' Motion on May 12, 2005 (Doc. No. 38), and Defendants filed a Reply to Plaintiff's Response on May 16, 2005. (Doc. No. 44.) Plaintiff has filed a Motion to Strike the Defendants' Reply, in which Plaintiff asserts that the Reply is unrelated to the case *sub judice*. (Doc. No. 54.)

A review of Defendants' Reply reveals that this pleading was filed on behalf of Dr. Burgos and Mr. Ellis. (Doc. No. 44, pp. 2-4.) However, these individuals are not and have never been parties to the case *sub judice*. While the arguments contained in the Defendants' Reply might be legally correct, the Court fails to grasp how a Reply filed on

behalf of Dr. Luis Burgos and Mr. Tom Ellis is responsive to Plaintiff's Response to the motion for summary judgment filed on behalf of Harley Lappin, Kathleen Hawk-Sawyer, and Harold Watts. Accordingly, Plaintiff's Motion to Strike (Doc. No. 54) is **GRANTED**. The Clerk of the Court is authorized and directed to strike Document Number 44 from the record of this case. If Defendants wish to file an appropriately responsive Reply, the Court will consider this pleading in its usual course of business.

SO ORDERED, this 12th day of August, 2005.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE

United States District Court
Southern District of Georgia

ANDERSON

vs

LAPPIN, ET AL

CASE NUMBER CV204-139

DIVISION BRUNSWICK

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

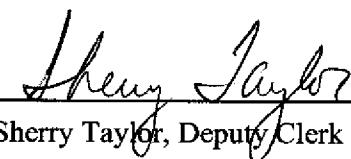
1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 8/12/05, which is part of the official record of this case.

Date of Mailing: 8/12/05

Date of Certificate same date, or _____

Scott L. Poff, Clerk

By:


Sherry Taylor, Deputy Clerk

Name and Address

Melvin Anderson, 82106-020, FCI Jesup, 2680 Highway 301 S, Jesup, GA 31599
Delora Kennebrew

Copy placed in Minutes
 Copy given to Judge
 Copy given to Magistrate